

**Commission on Trial Court Performance and Accountability  
Orlando, FL  
November 14, 2014**

**Minutes**

**Members in attendance:**

Judge Diana L. Moreland, Judge Victor L. Hulslander, Judge Shelley Kravitz, Judge Paul Alessandrone, Judge Ronald W. Flury, Judge Leandra Johnson, Judge Ellen Sly Masters, Judge William Roby, Judge Terry D. Terrell, and Barbara Dawicke.

**Members absent:**

Judge Herbert J. Baumann, Holly Elomina, Gay Inskeep, and Justice Jorge Labarga (Liaison).

**Staff in attendance:**

Patty Harris, Maggie Evans, Greg Youchock, Victor McKay, Blan Teagle, Dorothy Wilson, Kristine Slayden and Lindsay Hafford.

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**I. Welcome and Introduction, Judge Diana L. Moreland, Chair**

Judge Moreland called the meeting to order at 9:30 a.m. She discussed some of the work that the Commission on Trial Court Performance and Accountability (TCP&A) has done, for the benefit of the new members. She also discussed the charges that gives the TCP&A the authority to do their work.

**II. Approval of the August 15, 2014 Minutes**

The minutes were approved unanimously without modification.

**III. A. Development of a Performance Management Framework for the Trial Courts**

Patty Harris gave a presentation on developing a performance management framework. The presentation was followed by interactive sessions. The interactive sessions were developed to provide commission members a forum to discuss the ways in which performance measurement may be used to support organizational management needs: funding justice, improve public trust and accountability, and improve service delivery. During the first two sessions, members were introduced to the performance measures and provided examples for how they are used. During the third session, members were asked to brainstorm on how a state-level performance management framework/system might be implemented to support organizational needs.

**B. Establishment of a Workgroup on Performance Management**

Ms. Harris presented an action plan that would enable the establishment of a workgroup on performance management for the trial courts. She indicated how the action plan was drafted based on the commission's approval during a May 2014 meeting. The workgroup will address performance management issues as a follow-up to the work of the Trial

Court Integrated Management Solution (TIMS) project. Judge Hulslander agreed to chair of the workgroup. Judge Terrell motioned to adopt the action plan and the membership as presented. Judge Masters seconded the motion. The motion was approved.

### **C. Draft Report and Recommendations by the Judicial Management Council's Performance Workgroup**

Ms. Harris presented the Judicial Management Council (JMC) Performance Workgroup draft report and recommendations. She stated that the workgroup asked TCP&A to provide any feedback on the recommendations, before the report is presented to the full JMC. After discussion, Judge Moreland suggested that the members email any suggested comments to Ms. Harris by 5:00 p.m. on Friday, November 21. Once the comments are received staff will forward them to staff of the Performance Workgroup.

## **IV. Status Updates**

### **A. Joint Workgroup on Dependency and TPR Appeals Review**

Judge Johnson gave an update on the Joint Workgroup on Dependency and TPR Appeals Review. The Supreme Court directed both the DCAP&A and the TCP&A, in AO14-40 and AO14-41, to establish a joint study to define the issues that cause delay in the receipt of documents at the appellate level for dependency/termination of parental rights appeals and determine processes that may alleviate the issues and improve the time in which the documents are received. The group was convened in September and has met via conference call. The group plans on reviewing background information and requesting updated court reporting circuit profiles, which were last completed in 2008. Additionally, the group is in the process of developing a survey to court reporting managers.

### **B. Judicial Workload Study**

Gregory Youchock provided an update on the Judicial Workload Study. The Supreme Court of Florida tasked the Office of the State Courts Administrator (OSCA) with updating the trial court judicial case weights used to evaluate judicial workload. The OSCA has 15 years of direct experience evaluating judicial workload beginning with the 1999 Delphi Workload Assessment followed by the 2006-07 Judicial Resource Study (JRS). At present, Court Services' staff is reviewing the methodology and dialoguing with staff from the National Center for State Courts the original consultants to the 1999 Delphi and 2006-07 JRS study.

Several major methodological steps have been identified by the NCSC, including the need to:

- Appoint and convene a Judicial Needs Assessment Committee (Executive Committee);
- OSCA staff will conduct in-person or web-based training for the circuits re: time study;
- Conduct a one month web-based judicial time study of all trial court judges;
- Administer a web-based Sufficiency of Time survey for all trial court judges;

- Conduct site visits to a stratified sample of small, medium, large and extra-large circuits, meeting with the chief judge, administrative judges and trial court administrators;
- Convene a group of approximately 120 judges by court division to assess the proposed revised weights; and
- Reconvene the Judicial Needs Assessment Committee to review and approve of the final proposed case weights.

An effort of this magnitude generally takes 12-18 months and requires significant funding to hire consultants as well as costs associated with judicial and staff site visits and meetings.

The total estimated cost for the study is \$360K. At its June 20, 2014 meeting, the Trial Court Budget Commission appropriated funding for the workload study. Judge Alessandrone, Chair of the Court Statistics and Workload Committee and select members of the committee will be directly involved in this effort.

A final determination as to when the study will commence is pending, but it is anticipated that it will commence in early 2015. OSCA staff is awaiting final approval from the Supreme Court before it can execute a contract with the National Center for State Courts.

### **C. Pending Issue to Modify Existing Court Reporting Standards of Operation and Best Practices Pertaining to Professional Standards and Training Requirements of Court Reporters**

Victor McKay provided an update on the court reporting certification issue. The chairman of the Rules of Judicial Administrations (RJA) Committee asked Sub-Committee C to develop preliminary recommendations on the certification of court reporters. As a result of Sub-Committee C's most recent conference call on April 11, 2014, the Florida Court Reporters Association will be asked to draft recommendations from an industry perspective for consideration. Once those recommendations are drafted, they will be vetted by various stakeholders. Sub-Committee C plans to file a request for an eight month extension of the original July 1, 2014, deadline. If the recommendations are approved, the RJA Committee would submit a final report and recommendations to the court by March 2015.

Ms. Harris noted that staff is continuing to monitor this issue as well as the request by the Eighth Judicial Circuit to institute a training and certification program.

## **V. Report from the Court Statistics and Workload Committee**

Judge Alessandrone provided an update on the work of the CSWC. He discussed, in reference to the plan to incorporate Case-Event Definitional Framework (AOSC14-20) into SRS Reporting, that OSCA has developed a physical data model that implements case-event elements of the Trial Court Data Model, including database tables and supporting software code as part of the 2014 Criminal Transaction System Modernization project. He stated that OSCA staff has been working diligently with the clerks of court to increase the accuracy, completeness, and timeliness of the Foreclosure Initiative data. He further stated the last three months has shown remarkable improvement to the quality of

the data. The reporting of inactivity (case statuses of “Inactive” and “Reopen Inactive”) was something many counties initially struggled to provide when the initiative began in July 2013. Currently, 42 counties have reported inactivity to the initiative and staff is working with the remaining counties to be able to achieve full compliance with the Data Collection Plan

## **VI. Language Access Issues**

### **A. Complaint Process by the Court Interpreter Certification Board**

Mr. Youchock presented on the complaint process, developed by the Court Interpreter Certification Board, to address complaints concerning services provided by the Florida Supreme Court and Office of the State Courts Administrator to limited English proficient individuals. Grievances relating to the state’s trial courts and district courts of appeal must be addressed in accordance with local procedures. The circuits can model their local procedures after the Certification Board’s process.

### **B. Joint Workgroup on Shared Remote Interpreting Services**

Ms. Harris provided an update on the Joint Workgroup on Shared Remote Interpreting. In December 2011, the Supreme Court, in AOSC11-45 approved several of the recommendations proposed by the Commission on Trial Court Performance and Accountability (TCP&A) in *Recommendations for the Provision of Court Interpreting Services in Florida’s Trial Courts*. Among those, the Court charged the Trial Court Budget Commission (TCBC) with “monitoring court interpreting budgets to ensure that, to the extent possible given the fiscal environment, the trial courts are provided the opportunity to seek the necessary and appropriate level of resources for purposes of implementing those polices in the future, as funding becomes available” and to conduct “a feasibility study to assess the viability of remote interpreting technology for improving efficiencies as well as reducing anticipated operational costs associated with expanding the provision of court interpreting to all court proceedings and court-managed activities.”

The TCBC established a Due Process Technology Workgroup (DPTW) to review the current state of remote technology in consideration of expanding remote interpreting regionally and/or statewide. A pilot project has been established in the 7th, 9th, 14th, 15th, and 16th Circuits to study the processes associated with the “regional model.” Additionally, the Office of the State Courts Administrator (OSCA) is participating in the pilot by housing the call manager. The pilot is currently in the beginning phase, with shared remote interpreting occurring between the 7th and 9th Circuits. Additionally, remote interpreting has been provided by the 9th Circuit to the 16th Circuit.

The joint workgroup, with cross-over membership from the DPTW, the Court Interpreter Certification Board, and the Commission on Trial Court Performance and Accountability, established to make recommendations on the business processes for the “regional model” of sharing remote interpreting resources, began meeting in February of 2014. Several meetings have occurred, including an in-person meeting held at the Orange County Courthouse in the 9th Circuit on April 4, 2014. The in-person meeting included live demonstrations of shared remote interpreting and a business meeting. The workgroup has identified issues to address and are currently drafting recommendations.

Additionally, a data collection effort on court interpreting began on August 1, 2014. The six month effort involves court interpreters and/or court staff entering information on a web-based form on each proceeding involving a court interpreter. The information is used to update the Uniform Data Reporting, but will also provide detail on the interpreter, the level of qualification, and the actual time involved in interpreting. The information will be used to compare to data on the remote interpreting pilot. Nineteen of the twenty circuits are participating in this effort.

Judge Moreland thanked the members for their time. There being no other business, Judge Moreland adjourned the meeting at 2:57 p.m.